

Amendment to 1.13.5 NMAC, Sections 7, 8, 9 & 13 effective 06/09/2020.

1.13.5.7 DEFINITIONS:

- A.** "Access" means the availability of archives, records or manuscripts in terms of physical condition, legal permission and intellectual entry.
- B.** "Accession" means a term used as both a noun and a verb for the act and procedures involved in a transfer of legal title and the taking of records or papers into the physical custody of an archival agency, records center or manuscript repository and the materials involved in such a transfer.
- C.** "Administrator" means the state records administrator.
- D.** "Archives" means the non-current records of an organization or institution preserved because of their continuing value in meeting the needs of the creating organization.
- E.** "Arrangement of collections" means the process and results of organizing records or manuscripts, particularly by function or activity of their creator.
- F.** "Collection policy" means a statement adopted by an archival agency, records center or manuscript repository to guide its accessioning and de-accessioning decisions in order to carry out its formal mission.
- G.** "Commission" refer to Public Records Act, Subsection C of Section 14-3-.2 NMSA 1978.
- H.** "Data universal numbering system number" means a unique, nine digit identification number issued by Dun and Bradstreet.
- I.** "Deaccession" means the act, or the materials involved in the act, of a transfer out of the custody of an archives and is the opposite of accession.
- J.** "Documentary edition" means a published edition of documents derived directly from original records and often accompanied by editorial commentary and annotations.
- K.** "Evaluation" means a mechanism by which the effectiveness of the project can be measured by describing the extent to which a project's goals have been met. Narrative, graphic or statistical methods can be used to assess the product or to analyze the process. Participant or user assessments are also helpful in some cases.
- L.** "Finding aid" means a descriptive device created by an archives, records center or repository to establish the size, condition, content or arrangement of a collection or record group.
- M.** "Legal Custody" means either legal ownership of the documents or collection(s) wherewith one proposes to work or written permission to work with the documents or collection(s) in question.(The letter establishing written permission must be made available to the NMHRAB upon request, for purpose of verification).
- ~~[M.]~~ **N.** "Non-profit organization" means any organization, which by its articles of association and bylaws prohibits acts of private inurement, that is, transferring of the organization's earnings to persons in their private capacity; nonprofit organizations are required to use their earnings for their program activities and these earnings are tax-exempt if the organization has met the approval of the internal revenue service as falling within a category such as 501(c)(3).
- ~~[N.]~~ **O.** "Original records" means archives or public records as created by a governmental or quasi-governmental body and manuscripts such as letters, diaries, photographs or other first-hand reports.
- ~~[O.]~~ **P.** "Political subdivisions" means any county; incorporated city; town or village; drainage, conservancy, irrigation, water and sanitation or other district; mutual domestic association; public water cooperative association; community ditch association; or community land grant organizes and governed pursuant to Chapter 49, Article 1 NMSA 1978.
- ~~[P.]~~ **Q.** "Preservation" means the provision of adequate facilities for the protection, care and maintenance of archives, records and manuscripts, particularly to promote their future availability.
- ~~[Q.]~~ **R.** "Public officer" refer to Governmental Conduct Act, Subsection I of Section 10-16-2 NMSA 1978.
- ~~[R.]~~ **S.** "Supply inventory" includes expenditures for furniture, fixtures, machinery, or other equipment that cost less than one thousand dollars (\$1,000) per unit.
[1.13.5.7 NMAC - Rp, 1.13.5.7 NMAC, 8/1/2015; A, 06/09/2020]

1.13.5.8 ELIGIBILITY:

- A.** To be **eligible** for an historical records grant, the applicant shall be one of the entities listed below.
- (1) A governmental organization including:
- (a) state agencies as prescribed in the Public Records Act; except the commission;
 - (b) county offices;
 - (c) municipal offices;

- (d) political subdivisions; or
- (e) tribal government offices.
- (2) A non-profit and tax-exempt organization verified as such by:
 - (a) a copy of its IRS issued letter establishing tax-exempt status; and
 - (b) a copy of certification or website print out of its good standing status with the

New Mexico secretary of state.

B. Previous grant recipients shall be in compliance with the stipulations of all previous awards in order to be eligible.

C. To be eligible for an historical records grant, applicants shall not be disbarred, suspended or otherwise excluded from or ineligible for participation in federal assistance programs.

D. ~~Board member organizations or their employers are not eligible to apply for NMHRAB funding.~~
Board members are not eligible to apply for NMHRAB funding.

E. Funding shall not be used to process any collection held by the commission of public records. [1.13.5.8 NMAC - Rp, 1.13.5.8 NMAC, 8/1/2015; A, 11/28/2017; A, 06/09/2020]

1.13.5.9 CONDITIONS FOR RECEIVING A HISTORICAL RECORDS GRANT:

A. The applicant shall:

- (1) demonstrate legal custody of historically significant original records at the time of the grant application deadline;
- ~~(2) provide a copy of its collection policy or a statement from its governing body indicating its commitment to sound practices concerning the historical material included in the project;~~
- ~~(3)~~ (2) demonstrate the ability to carry out the objective of the proposal within the grant period;
- ~~(4)~~ (3) describe the records, their importance in documenting New Mexico’s history and the proposed project that affects the records;
- ~~(5)~~ (4) include a mechanism for evaluating the impact of the project on its historical records’ environment; and
- ~~(6) provide a letter from its governing body indicating support of the project and continuation of the project’s purposes beyond the grant period.~~

B. Upon approval, the applicant shall become a vendor pursuant to state law.

C. Records treated in the proposed project shall be made available in New Mexico for public research to all qualified users on equal terms unless specific exemption is granted by the commission. Specific records in proposals submitted by tribal governments, for example, may be excluded from this criterion.

D. The applicant shall not charge fees for public access to the materials in its holdings. However, reasonable fees may be charged for copying material or providing special services or facilities not provided to all researchers.

E. A person qualified by credentials or training shall carry out the objectives of the proposed project.

F. Proposals for digitization projects shall be acceptable only if they take into consideration the issue of migration to newer technologies. Digitization projects shall follow scanning guidelines specified by the commission for creating master and access copies.

[1.13.5.9 NMAC - Rp, 1.13.5.9 NMAC, 8/1/2015; A, 11/28/2017; A, 06/09/2020]

1.13.5.13 APPLICATION FOR HISTORICAL RECORDS GRANTS:

A. An applicant shall submit one completed application with original signatures and supporting documents and the number of identical copies as specified on the application. An applicant may submit attachments to support its application.

B. The following information shall be included in the application:

- (1) applicant information including legal name, data universal numbering system number, address, contact name, phone number and e-mail address (if available);
- (2) signature by an individual legally authorized to obligate the applicant;
- (3) project title and amount of both the grant request and the proposed match;
- (4) applicant’s status as defined in Subsection A of 1.13.5.8 NMAC;
- (5) a summary statement of no more than 200 words in length that briefly summarizes the nature and purpose of the project proposed for funding;
- (6) a project description narrative limited to four pages in length submitted on the form prescribed by the administrator; the narrative shall explain the significance of the material to be affected by the project, the scope of work to be performed and the outcome and impact that the completed project would produce;

- administrator;
- (7) the budget and budget narrative for the project submitted on the form prescribed by the administrator;
- (8) the project work plan for the project submitted on the form prescribed by the administrator; and
- (9) required attachments including:
- (a) project work plan;
 - (b) project budget;
 - (c) statement demonstrating the applicant's legal custody of the affected records, or written permission from the organization that has legal custody;
 - ~~(d) collection policy or statement from the affected organization's governing body indicating its commitment to sound practices concerning the historical material included in the project;~~
 - (d) a letter from the affected organization's governing body indicating support of the project and continuation of the project's purposes beyond the grant period;
 - ~~(e)~~ (e) resumes of key personnel;
 - ~~(f)~~ (f) job descriptions of staff to be hired;
 - ~~(g)~~ (g) contractor and vendor scopes of work and minimum qualifications; and
 - ~~(h)~~ (h) cost proposals or quotes from each contractor and vendor.
- (10) a non-profit organization must also submit:
- (a) a copy of its tax-exempt or 501(c)(3), or equivalent, status;
 - (b) a copy of certification of its good standing status with the New Mexico secretary of state; and
 - (c) evidence that it has made provisions for the transfer of its holdings to a like organization or an appropriate repository for public access upon dissolution.

C. Applications shall conform to the following formatting requirements on the project description narrative: size 12 point font in times new roman and minimum one inch margins.

D. Completed applications (original and copies) shall be received by the deadline set forth in the application.

E. Applications that do not comply with these criteria shall be rejected.
 [1.13.5.13 NMAC - Rp, 1.13.5.14 NMAC, 8/1/2015; A, 06/09/2020]